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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,997	03/13/2001	William Henry Mengel	RCA-89130	1650

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EXAMINER	
NATNAEL, PAULOS M	
ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/743,997	MENGEL, WILLIAM HENRY	
	Examiner	Art Unit	
	Paulos M. Natnael	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim **1** is **again** rejected under 35 U.S.C. 102(e) as being anticipated by Sparks, U.S. Patent No. **6,034,738.**

Considering claim **1**, Sparks discloses all claimed subject matter, note;

a) receiving an analog video signal including non-video auxiliary data formatted as OSD data, is met by the display device 300 which receives the A/V+OSD signal 103, Fig.2, which is an analog signal comprising audio/video and OSD data. col. 8, lines 3-6 (see also col. 4, lines 62-65)

b) detecting the non-video auxiliary data formatted as OSD data, is met by the display 300 and the selector 310 which is controlled by CRTL.

c) extracting the detected non-video auxiliary data from the analog signal, is also met by the display 300 and the disclosure that "a signal selector 310, couples as is known, to video and synchronizing processing circuitry, not shown, which in combination generate an image display," (col. 8, lines 8-16) which inherently extracts the OSD data from the Audio/video signal, and transfers it to the display.

d) processing the non-video auxiliary data, is also met by the display 300, which processes and displays the signals as well as the non-video OSD data on display 300 as shown on Fig.2;

3. Claims **1-3, 5-8** are rejected under 35 U.S.C. 102(e) as being anticipated by Knox et al., U.S. Pat. No. 6,480,238.

Considering claim **1**,

a) receiving an analog video signal including non-video auxiliary data formatted as OSD data, is met by the Display 190, Fig.1; (Notice the video decoder 160 and the OSD Unit 150).

b) detecting the non-video auxiliary data formatted as OSD data, is inherent in the Display 190, Fig.1, because without detecting the signal including the OSD data, the display would not be able to display the OSD as shown in Fig.3 which illustrates a displayed frame (background) and the OSD1 352 and OSD2 354 signals.

c) extracting the detected non-video auxiliary data from the analog signal, is also inherent in the Display 190, Fig.1, because without detecting the signal including the OSD data, the display would not be able to display the OSD as shown in Fig.3 which illustrates a displayed frame (background) and the OSD1 352 and OSD2 354 signals.

d) processing the non-video auxiliary data, is also met by the display 190, fig.1, which processes and displays the OSD data.

Considering claim **2**, the claimed method of wherein the OSD data is inserted into the analog video signal during non-blanking portions, is met by the disclosure that "The OSD unit can be used to display a user defined bit map over any part of the displayable screen, independent of the size and location of the **active video** area." (col. 4, lines 64-66)

Considering claim **3**, the claimed method wherein the non-video auxiliary data is control data, is met by the disclosure "Processor 130 performs various control functions, including but not limited to, providing control data to the video decoder 160 and OSD unit 150..." (col. 3, lines 11-14)

Considering claim **5**, the claimed method wherein the non-video auxiliary data is contained in the digital video signal is met by the output of the output signal of the OSD 150, fig.1, which is a digital signal input to the D/A converter (DAC) 185.

Considering claim **6**, the claimed method wherein the non-video auxiliary data is determined by the video receiver is met by the Control microprocessor which determines which data to send to the OSD 150, fig.1;

Considering claim **7**, the claimed method wherein the OSD data is displayable in an overscan region, is met by the disclosure that "The OSD unit can be used to display a user defined bit map over any part of the displayable screen, independent of the size and location of the active video area." (col. 4, lines 64-66)

Considering claim **8**, the claimed method wherein the non-video data is wherein the video receiver provides a sync signal to the external device, is met by the disclosure that "Horizontal and vertical sync signals are separated at a separator and then used to synchronize the reading functions from memory." (col. 1, lines 42-48)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims **4 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Knox et al., U.S. Pat. No. 6,480,238.

Considering claim **4**, the claimed method wherein the non-video data is information usually included in a blanking interval of an analog video signal.

Regarding claim 4, Knox doesn't specifically disclose that the non-video data is information usually included in a blanking interval of an analog video signal. However, Examiner takes Official Notice here in that it is notoriously well known in the art that a non-video data or information would be included in the vertical blanking interval of the video signal, for example, and therefore, it would have been obvious to the skilled in the art at the time the invention was made to modify the system of Knox by including or providing the non-video data in the blanking interval of the analog video signal in order for the receiver to reliably extract the non-video data from the VBI and display or transmit the same to other devices within the system, so that the active video portion would be used for the main video signal.

Considering claim **9**, Knox discloses the following claimed subject matter, note;
a) receiving a digital signal is met by decoding system 100 which receives the bitstreams 110 and 130, (fig.2).

b) providing the non-video auxiliary data signal to an OSD generator, is met by OSD unit 150, fig.1, which receives the OSD data from processor 130.

c) formatting the non-video auxiliary data signal as OSD data, is met by OSD Unit 150, fig.1;

d) converting the digital video signal to analog video signal, is met by DAC 185, fig.1.

f) providing the analog signal including the non-video auxiliary data signal formatted as OSD data to an external device, is met by DAC 185 which delivers the signal to the Display device.

Except of;

e) inserting the OSD data into the analog video signal;

Regarding e), the OSD mixer 170 in fig.1 is a digital mixer. However, the Examiner takes Official Notice in that inserting OSD data into the analog video signal is notoriously well known in the art and therefore, it would have been obvious to the skilled in the art at the time the invention was made to modify the system of Knox et al. by providing a DAC converter in the decoder 100 (in contrast to the DAC being outside the decoder) to convert the video signal into analog domain before adding the OSD data into the signal, so that the system of Knox is made more compact and able to save cost of the overall system.

Response to Arguments

Applicant's Arguments

a) Sparks neither discloses nor suggests "receiving an analog video signal including non-video auxiliary data formatted as OSD data" as in the present claimed invention....Sparks is concerned with providing an OSD video display signal indicative of a recorder status with a video signal...

b) Sparks neither discloses nor suggests detecting of non-video auxiliary data formatted as OSD data from a received video signal.

c) Knox et al., similarly to Sparks, neither discloses nor suggests "receiving an analog video signal including non-video auxiliary data formatted as OSD data" as in the present claimed invention. Unlike the present claimed invention, Knox et al. are concerned with generation of an OSD bitstream and insertion of OSD bitstream into a video signal.

d) Additionally, the Examiner has taken official notice that the non-video data could be included in a vertical blanking interval. However, claim 4 is not concerned with insertion of non-video data in a vertical blanking interval. Claim 4 recites that non-video auxiliary data usually included in the vertical blanking interval is instead formatted as OSD data. This is neither discloses or suggested by Knox et al. nor covered by the Official Notice taken by the Examiner.

Examiner's Response

a) Whether Sparks is ***concerned with*** a recorder or a TV is not important. The claim

recites "receiving an analog video signal including non-video auxiliary data formatted as OSD data." And Sparks, as shown in the rejection meets this recited claim. See rejection above. Thus, as indicated before, the applicant is arguing something that is not found in the claims. The claims do not recite "OSD data for purposes of communication when it is not possible to communicate such non-video data by conventional means such as in the blanking interval of a video signal" Argument therefore is unpersuasive.

b) Sparks discloses, "Fig.2 illustrates a monitor display 300 having three analog signal inputs; audio video signals 101 and 103, and an audio and component video signal 104, for example, S-video or luminance and coloring components Y,Pr,Pb. (col. 8, lines 3-6) Auxiliary is defined as "supplementary", (Merriam Webster's Collegiate Dictionary, 10th edition). The display 300 of Sparks receives an A/V signal+OSD 103 as illustrated in Fig.2. This received signal comprises audio, Video and OSD signal. The OSD signal is supplementary or auxiliary data. The purpose of this auxiliary data is not important, since the claim simply states, "receiving an analog video signal including non-video auxiliary data formatted as OSD data." Thus, argument that Sparks is concerned with providing an OSD video display signal ...is not persuasive.

c) Knox et al disclose a system 100 which receives digital bit streams 110 and 120 and OSD unit 150 which can be used to display a user defined bit map over any part of the displayable screen, independent of the size and location of the active video area. (col.

4, lines 64-66) That it clearly shows that the OSD bitstream is received in the processor 130 as non-video data designated as OSD data. The mixer mixes the OSD data with the video data and the D/A converter converts the signal into analog signal and outputs it to the display. In claim 1, the claim simply recites receiving an analog video signal including non-video auxiliary data formatted as OSD data, which the display 190 receives the analog data including OSD data. Detection and extraction of the OSD data is inherently the function of the display 190. Therefore, the argument that Knox does not disclose the claim as claimed is unpersuasive.

d) Claim 4 recites "The method of claim 1, wherein the non-video auxiliary data is information usually included in a blanking interval of an analog video signal." Claim 4 does not recite "non-video auxiliary data usually included in the vertical blanking interval is instead formatted as OSD data." Thus, applicant's representative is arguing again something that is not found in claim 4, and the rejection of the claim by taking Official Notice is appropriate. If applicant would like to amend it as such, applicant should do in proper amendment format. This argument therefore is unpersuasive.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (703) 305-0019. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PAULOS M. NATNAEL
PATENT EXAMINER

PMN
December 13, 2004